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## **Too Late for Charges**

# **Justice Ends Pursuit Of CIA Mail Openers**

United Press International

The Justice Department announced yesterday it will not prosecute any individuals involved in past CIA mail openings because it appears unlikely any convictions could be obtained.

The Rockefeller Commission, the Senate intelligence committee and its own investigators did not turn up evidence against anyone who could not claim being made a "scapegoat" for higher officials, the department said.

The investigations involved CIA openings of mail from Russia during 1953-73 in the "East Coast Project," from China in a "West Coast Project" between 1969 and 1971, and three lesser projects that ended a decade ago.

One principal problem is that the statute of limitations would limit prosecutions to actions taken no earlier than 1973, the report said.

While CIA Director Allen Dulles directed some of the mail openings, the report said, the record is silent on how much Presidents Dwight Eisenhower, John Kennedy, Lyndon Johnson or Richard Nixon knew about them.

Presidents never put such sensitive directives in writing under a practice called "plausible deniability," so they

could deny personal knowledge if a project became known to a foreign government, the report said.

Some witnesses said a president would "have to be in a fog" if he did not know of the mail openings, the report said. But the department said it could not prove the officials involved did not act under presidential orders.

Such mail openings without warrants are clearly illegal today, the report said, but "it would be a mistake to suppose that it was always clearly perceived that (they) . . . were obviously illegal."

At the time there was "a high degree of public concern over the danger of foreign threats" and the view inside and to an extent outside the government was that the president had broad power to deal with them, the report said.

This not only means suspects could claim laws were being switched on them but also would allow them to claim "good faith mistake or reliance on the approval of government officials," the department said.

"In such circumstances prosecution takes on an air of hypocrisy and may appear to be the sacrifice of a scapegoat, which increases the likelihood of acquittal."